

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IMS Health Incorporated, et al.

v.

Case No. 06-cv-280-PB

N.H. Attorney General

O R D E R

The plaintiffs in this case join in requesting the entry of a final judgment reflecting their agreement that the Supreme Court's recent decision in Sorrell v. IMS Health Inc., 131 S. Ct. 2653 (2011) requires "invalidation of N.H. Rev. Stat. Ann. §§ 318:47-f and 318-B:12 to the extent that they prohibit the transfer, use, sale, or licensing of prescriber-identifiable data." Doc. No. 173, ¶ 3. Plaintiffs have also agreed to waive any claim to attorney's fees, expenses, or costs. Id. ¶ 2.

The parties' proposal is consistent with my reading of Sorrell and is a reasonable way to resolve the matter. I cannot grant their joint request, however, because the First Circuit Court of Appeals has retained jurisdiction over the case. Accordingly, I deny the motion for entry of default judgment (Doc. No. 173) without prejudice. The parties may renew their request if the court of appeals should decide to remand the

matter to the district court for further proceedings in light of the Supreme Court's decision in Sorrell.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

September 21, 2011

cc: Counsel of Record